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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,992	12/08/2003	Craig L. Ogg	PSTA0003/MRK	5866
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EXAMINER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,992

Applicant(s)

OGG ET AL.

Examiner

ROB WU

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 13 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 03/05/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 05 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7, 13, 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claim 5, the second limitation, which recites "a second label comprising a barcode label, wherein the barcode label is adapted to be printed with a

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printing consisting of a one-dimensional barcode, the barcode label being arranged on the sheet in a landscape orientation with respect to the first label, the barcode label," does not seem to be a complete limitation. Therefore the claim is rejected for failing to provide a definite limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,010,156 to Block.

Referring to claim 1:

a computer printer printable self-adhesive label set for use with a computer postage system, the label set comprising:

a first label on a layer of self-adhesive label stock, comprising a postage indicia label, wherein the postage indicia label is adapted to be printed with postage indicia; (Fig 3A) and

a second label on the layer of self-adhesive label stock, comprising a one dimensional bar code label, (Fig 3A)

Block does not expressly disclose the dimensions of the barcode label as: the one-dimensional barcode label comprising a set of dimensions adapted for receiving a

printing consisting of a one-dimensional barcode, the one-dimensional barcode comprising a one-dimensional barcode length and a one-dimensional barcode height, the set of dimensions comprising a label length and a label height, the label length at least as long as the one-dimensional barcode length and the label height at least as high as the one-dimensional barcode height;

However, Block meets the limitation because the label length is at least as long as the one-dimensional barcode length and the label height is at least as high as the one-dimensional barcode height.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block in view of U.S. Pat No. 5,944,461 to Kanbar.

Referring to claim 2:

a computer printer printable self-adhesive label set arranged on a layer of self-adhesive label stock for use with a computer postage system, the label set comprising:

a first label consisting of a postage indicia label, wherein the postage indicia label is adapted to receive printing consisting of postage indicia; (Fig 3A)

Block does not expressly disclose a second label consisting of a barcode label, wherein the barcode label is adapted to receive printing consisting of a one-dimensional barcode, the barcode label comprising a label length and a label height, the one-dimensional barcode comprising a one-dimensional barcode length and a one-dimensional barcode height, the label length exceeding the one-dimensional barcode length and the label height exceeding the one-dimensional barcode height.

However, Block discloses that additional labels within each field to be associated with a single item to be mailed may be added to accommodate a user's need. (col 3: lines 17-20) Kanbar shows that a label consisting of a one-dimensional barcode can be applied to a mail piece. Therefore, it would have been obvious at the time of the invention for Block dedicate one label specifically for the one-dimensional barcode, Block provides specific motivation to do so by disclosing that additional labels within each field to be associated with a single item to be mailed may be added to accommodate a user's need.

Furthermore, it would have been obvious at the time of the invention for Block to combine the one-dimensional label as disclosed by Kanbar since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

a third label consisting of a return address label, wherein the return address label is adapted to receive printing of a return address of a mailer. (Fig 3A)

Referring to claim 3:

Block does not expressly disclose that the label length measuring approximately 2.875 inches and the label height measuring approximately .3 inches. However, Block disclose that each label within the field may also be customized and sized to accommodate the desired use. (col 3: lines 20-22) Therefore, it would have been obvious at the time of the invention for Block to size the label to be approximately 2.875

inches in length and approximately .3 inches in height to accommodate the desire use and reduce unnecessary waste of label material.

8. Claims 4-7, 13, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block in view of U.S. Pub No. 2005/0195214 to Reid et al.

Referring to claim 4:

Block discloses printing a first and second label with postage indicia and barcodes (fig 3A), however, Block does not expressly disclose the orientation of the labels such that:

a sheet of a plurality of computer printer printable self-adhesive label sets for use with a computer postage system, each computer printer printable self-adhesive label set of the plurality of computer printer printable self-adhesive label sets comprising:

a first label arranged in a portrait orientation with respect to the sheet, the first label comprising a postage indicia label, wherein the postage indicia label is adapted to be printed with postage indicia in portrait orientation with respect to the sheet; and

a second label arranged in a landscape orientation with respect to the sheet and with respect to the first label, the second label comprising a one-dimensional barcode label, wherein the first one-dimensional barcode label is adapted to be printed with a one-dimensional barcode in landscape orientation with respect to the sheet.

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine

the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 5:

Block discloses printing a first and second label with postage indicia and barcodes (fig 3A), however, Block does not expressly disclose the orientation of the labels such that:

a sheet of a plurality of computer printer printable self-adhesive label sets for use with a computer postage system, each self-adhesive label arrangement set arranged on a top self-adhesive layer of a sheet of self-adhesive label stock-comprising:

a first label comprising a postage indicia label, wherein the postage indicia label is adapted to be printed with postage indicia, the first label being adapted to be printed with postage indicia in portrait orientation with respect to the first label;

a second label comprising a barcode label, wherein the barcode label is adapted to be printed with a printing consisting of a one-dimensional barcode, the barcode label being arranged on the sheet in a landscape orientation with respect to the first label, the barcode label

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine

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the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 6:

Block does not expressly disclose the sheet of a plurality of computer printer printable self-adhesive label sets of Claim 5, wherein the first label is disposed in a portrait orientation with respect to the sheet, and wherein the barcode label is disposed in a landscape orientation with respect to the sheet.

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 7:

Block discloses printing a first and second label with postage indicia and barcodes (fig 3A), however, Block does not expressly disclose the orientation of the labels such that:

a method for printing postage indicia and mail piece tracking information onto a single sheet of self-adhesive labels containing at least one self-adhesive label arrangement set, the method comprising:

directing a computer postage system to print postage indicia on a postage indicia label of a first self-adhesive label arrangement set in a portrait orientation with respect to the postage indicia label; and

directing the computer postage system to print a one-dimensional barcode on a barcode label of the first self-adhesive label arrangement set in landscape orientation with respect to the postage indicia label.

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 13:

Block discloses printing a first and second label with postage indicia and barcodes (fig 3A), however, Block does not expressly disclose the orientation of the labels such that:

a method for printing postage indicia and mailing tracking information onto a particular label arrangement set on a single sheet of self-adhesive labels, wherein the single sheet of self-adhesive labels comprises a plurality of label arrangement sets, and wherein each label arrangement set comprises a plurality of labels, the method comprising:

directing a computer postage system to print postage indicia on a first label of the particular label arrangement set in a portrait orientation with respect to the first label, wherein the first label of the particular label arrangement set is adapted to receive printing consisting of postage indicia; and

directing the computer postage system to print a graphic symbology on a second label of the particular label arrangement set in a landscape orientation with respect to the first label.

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 19:

Block discloses printing a first and second label with postage indicia and barcodes (fig 3A), however, Block does not expressly disclose the orientation of the labels such that:

the method of claim 13, wherein the first label is disposed on the single sheet in a portrait orientation with respect to the single sheet, wherein directing the computer postage system to print postage indicia on the first label in a portrait orientation with respect to the first label, comprises directing the computer postage system to print postage indicia on the first label in a portrait orientation with respect to the single sheet, and wherein the second label is disposed on the single sheet in a landscape orientation with respect to the single sheet, and wherein directing the computer postage system to print the graphic symbology on the second label comprises directing the computer postage system to print the graphic symbology on the second label in a landscape orientation with respect to the single sheet.

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 20:

Block discloses printing a first and second label with postage indicia and barcodes (fig 3A), however, Block does not expressly disclose the orientation of the labels such that:

the method of claim 13, wherein the first label is disposed on the single sheet in a landscape orientation with respect to the single sheet, wherein directing the computer postage system to print postage indicia on the first label in a portrait orientation with respect to the first label, comprises directing the computer postage system to print postage indicia on the first label in a landscape orientation with respect to the single sheet, and wherein the second label is disposed on the single sheet in a portrait orientation with respect to the single sheet, and wherein directing the computer postage system to print the graphic symbology on the second label comprises directing the computer postage system to print the graphic symbology on the second label in a portrait orientation with respect to the single sheet.

Reid et al disclose printing on one sheet pictures in both portrait and landscape orientation. (Fig 8e), [0084], [0089] Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine the ability to print labels in both portrait and landscape orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 21:

the method of claim 7, wherein directing the computer postage system to print postage indicia in a portrait orientation on a postage indicia label of the first self-adhesive label arrangement set comprises:

Block discloses printing a postage indicia on a label, however, Block does not expressly disclose instructing the computer postage system to format postage indicia in a portrait orientation with respect to the single sheet for printing on a portrait-oriented postage indicia label.

Reid et al disclose printing in a portrait orientation with respect to the single sheet for printing. (Fig 8d) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Block to combine the ability to print labels in portrait orientation as disclosed by Reid et al since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same functions as it did separately, and one of ordinary skill in the art would have recognized that the result of the combination were predictable.

Referring to claim 22:

the method of claim 7, wherein directing the computer postage system to print a one-dimensional barcode on a barcode label of the first self-adhesive label arrangement set in landscape orientation comprises:

Block discloses instructing the computer postage system to format the one-dimensional barcode in a landscape orientation with respect to the single sheet for printing on landscape-oriented barcode label. (Fig 3A)

Conclusion

9. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROB WU whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. W./

Examiner, Art Unit 3628

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628